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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Roman ROMERO-Garcia,** Defendant	Magistrate Docket No. '08 MJ 0353
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 5, 2008** within the Southern District of California, defendant, **Roman ROMERO-Garcia,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** **DAY** OF **FEBRUARY 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

GAS

CONTINUATION OF COMPLAINT:
Roman ROMERO-Garcia

PROBABLE CAUSE STATEMENT

On February 5, 2008, Border Patrol Agent E. Dawson was assigned to line watch operations in the Brown Field Border Patrol Station's area of operations. At approximately 11:45 p.m., after responding to previous seismic sensor activation, he observed what appeared to be a small camp fire. Agent Dawson observed this fire in an area known as "Copper Canyon." This area is approximately five miles east of the Port of Entry at Otay Mesa, California, and approximately one mile north of the international border between the United States and Mexico.

As Agent Dawson approached the area and observed one individual sitting next to the fire. Agent Dawson approached the subject, later identified as the defendant **Roman ROMERO-Garcia**, and identified himself as a United States Border Patrol Agent. Agent Dawson then questioned the defendant to determine his citizenship and immigration status. The defendant admitted to being a citizen and national of Mexico without any valid United States Immigration documents allowing him to enter or remain in the United States legally. Agent Dawson placed the defendant under arrest and transported him to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 14, 2007** through **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he was born in Michoacan, Mexico and that he does not possess any valid U.S. immigration documents that would allow him to enter or remain in the United States legally.